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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		MAT-8198US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>October 28, 2005</u> Signature <u>Deborah Spratt</u> Typed or printed name <u>Deborah Spratt</u>	Application Number <u>10/010,630</u>	Filed <u>November 7, 2001</u>	
	First Named Inventor <u>Yuji Toyomura et al.</u>		
	Art Unit <u>2162</u>	Examiner <u>Jean M. Corrielus</u>	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>34,515</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		Signature <u>Lawrence E. Ashery</u> Typed or printed name <u>Lawrence E. Ashery</u> <u>(610) 407-0700</u> Telephone number <u>October 28, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The Official Action sets forth a number of rejections under 35 U.S.C. §103(a). Those rejections are as follows:

1) Claims 1, 3-5, 46-50 and 51 in view of Iida (US 6,385,690) and Quinn (US 6,449,617).

2) Claims 6, 17, 20-22, 32, 34, 47, 48, 49, 52-59, 61-65, 67-71, 73-77, and 79-82 in view of Otomo (US 2001/0010049) and Quinn (US 6,449,617).

3) Claims 12, 14-16, 18, 23 and 35-39 in view of Otomo, Quinn, and Carley (US 6,701,345).

4) Claims 19, 24 and 25 in view of Quinn, Otomo and Koyama (US 5,978,551).

5) Claims 28-31 and 40-43 in view of Quinn, Otomo, Yokota (US 6,691,149) and Carley.

6) Claims 26 and 27 in view of Quinn, Otomo, Yokota and Fukunaga (US 6,775,023).

7) Claims 44 and 45 in view of Quinn, Otomo, and Nishigaya (US 5,696,900).

8) Claim 8 in view of Otomo, Quinn, and Yokota.

Each of the above rejections are respectfully traversed for the reasons set forth below.

In the interest of improving the readability of the argument, Applicants' representative will group the pending independent claims into two separate groups as follows:

Group I: Claims 1, 6, 8, 32, 49, and 52-57; and

Group II: Claims 59, 65, 71 and 77.

Regarding Group I, Applicants' representative will first traverse the rejection with respect to claim 1. The remaining independent claims in Group 1, while not

identical to Group I, are also patentable for reasons similar to those set forth below with regard to claim 1.

Applicants' invention, as recited by claim 1, includes features which are neither disclosed for suggested by the art of record, namely:

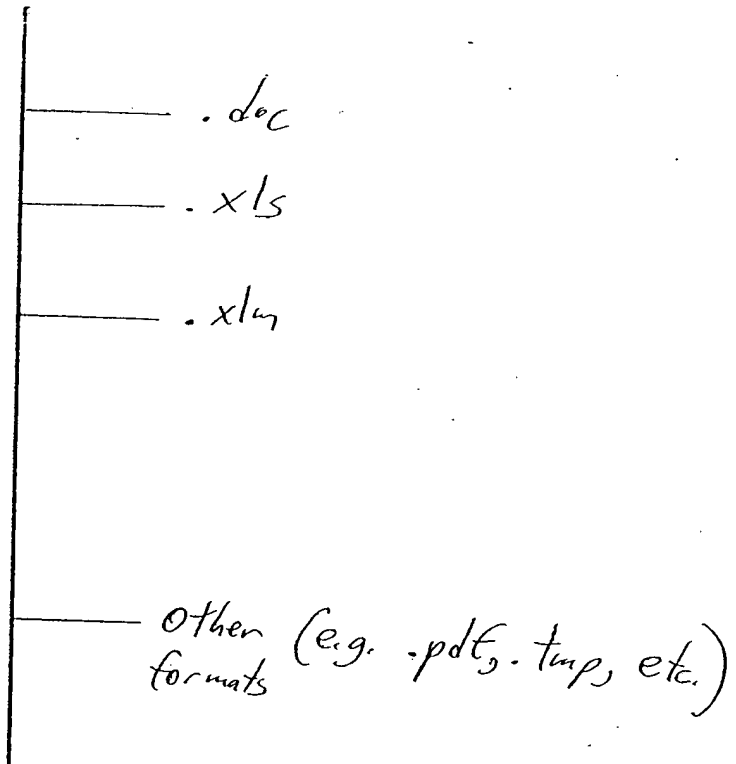
... a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, and

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats ...

Thus, claim 1 is reciting a plurality of directories and a further directory which are all at the same level within a directory (e.g. tree) structure. Of the plurality of directories, each of those directories stores "a respective one of a plurality of file formats. The further directory stores files in formats different than the formats stored in the "plurality of directories."

An exemplary embodiment of the structure is illustrated below:

*Directory
Level*



The above illustration shows a plurality of directories which each store files of respective formats. Thus, one directory stores files in the .doc format. A second directory stores files in the .xls format. A third directory stores files in the .xml format. A further directory is also shown. The further directory stores files and formats different than the formats stored in the "plurality of directories." The plurality of directories and the further directory are all at the same level within the directory structure.

The Official Action cites a number of references against Applicants' pending claims. Applicants' representative has reviewed all those references and none of those references even come close to the above structure. For example, Iida was cited at column 20 and column 16. Neither column discloses the features as claimed above. Quinn was cited at column 13 for disclosing a plurality of file formats. Applicants' acknowledge that different file formats are known in the art and are not trying to claim different file formats. Instead, claim 1 recites a directory structure that stores different file formats as described above. This is different than the art of record. Otomo, as well, has no disclosure of the above features.

Accordingly, claim 1 is patentable over the art of record.

Again, the other independent claims of Group I are patentable for reasons similar to those set forth above with regard to claim 1.

The claims which depend from the independent claims of Group I are all patentable by virtue of their dependency on allowable independent claims.

Regarding Group II, Applicants representative will first discuss claim 59.

Applicants' claim 59 includes a feature which is neither disclosed nor suggested by the art of record, namely:

... a controller operable to form a directory in the carryable memory media ...
wherein ... if a directory formed by an other apparatus is stored in the carryable memory media and there is not a directory formed by the apparatus in the carryable memory media, the apparatus makes the carryable memory media form a new directory which is allowed to store an arbitrary file stored in the memory ...

Thus, when, for example, a memory card is moved from a first apparatus to a second apparatus and the second apparatus stores a file in the memory card, the file will be stored in a directory different from any directories created by the first apparatus.

The Official Action has cited Otomo and Quinn against claim 59. Neither Otomo nor Quinn, however, discloses the above feature of a second apparatus storing data in a directory which is different from directories created by the first apparatus.

The remaining independent claims in Group II, while not identical to claim 59, are similarly allowable over the art of record for reasons similar to those set forth above with regard to claim 59.

The claims which depend from any of the Independent claims in Group II are patentable by virtue of their dependency on allowable independent claims.